

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Tyrone Dwayne Miller,

Civil No. 07-3761(PAM/JSM)

Plaintiff,

v.

ORDER

Minnesota Public Housing Authority,
Lori Swanson,

Defendants.

This matter is before the Court on Plaintiff Tyrone Miller's "request to reopen case." Miller seeks relief from this Court's Order of September 14, 2007, summarily dismissing his Complaint and denying his application to proceed in forma pauperis.

Federal Rule of Civil Procedure 60(b) allows a party to seek relief from a final judgment for reasons such as mistake, inadvertence, excusable neglect, newly discovered evidence, fraud, misrepresentation, or misconduct. Fed. R. Civ. P. 60(b)(1)-(6). Miller invokes the Rule, but does not explain why he is entitled to the relief he seeks. He offers no facts to establish any fraud, newly discovered evidence, or even mistake or excusable neglect. Rather, he states that he "believ[es]" that a home at issue in his lawsuit "was bought and placed in Mr. Miller name from settlement with the Minnesota Department of Corrections."

A Motion under Rule 60(b) requires more than Miller's belief that he might be entitled to relief from a judgment entered nearly two years ago. Miller must show that the circumstances warrant re-opening this matter. He has failed to meet his burden.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff Tyrone Dwayne Miller's request to reopen (Docket No. 7) is **DENIED**.

Dated: Wednesday, September 2, 2009

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge